

**This THIRD AMENDMENT dated June 20, 2007, is between the City of Milpitas and Compass Group USA, Inc. by and through its Bateman Division ("Bateman")**

This third amendment to that certain agreement ("the Agreement") between the City of Milpitas (CITY) and Compass Group USA, Inc. by and through its Bateman Division (CONTRACTOR) (collectively, "the Parties") entered into on July 1, 2004, for the purpose of providing meals for the Santa Clara County Senior Nutrition Program offered at the Barbara Lee Senior Center, is entered into this 19<sup>TH</sup> day of June 2007.

**RECITALS**

WHEREAS, the Parties wish to extend the Agreement for an additional year, so that the Agreement will run until June 30, 2008; and

WHEREAS, additional funding for the extension is available as a part of the Santa Clara County Senior Nutrition Budget, budgeted within the City's Parks & Recreation Services Department Operating Budget; and

WHEREAS, the additional funding of \$63,239 will serve senior residents of the center 60 years of age and older an average of 85 meals a day, 249 days per year, totaling 16,215 meals for fiscal year 2007/2008.

NOW THEREFORE, by agreement of the Parties, the Agreement is hereby amended as follows:

**Amendment**

1. The term of the agreement as set forth in Section 6, First Paragraph is hereby extended for an additional twelve (12) month period commencing on July 1, 2007 and ending on June 30, 2008.
2. The meal rates as set forth in Section 1, Second paragraph of Exhibit A to the agreement is hereby modified to \$3.90 per meal, and total compensation will not exceed \$63,239.
3. This third amendment is effective July 1, 2007 and thereafter, unless amended thereafter. All other terms and conditions contained in the Agreement shall remain unchanged and in full force and effect. Exhibit A, Cost per Meal is revised to read: \$3.90

All other terms and conditions of the Agreement shall remain in full force and effect.

In the event of a conflict between the original contract and this amendment, this amendment shall control.

CITY OF MILPITAS:

Dated: \_\_\_\_\_

BY: \_\_\_\_\_  
Thomas C. Williams, City Manager

ATTEST:

APPROVED AS TO FORM

BY: \_\_\_\_\_  
Mary Lavelle, City Clerk

BY: \_\_\_\_\_  
Steven T. Mattas, City Attorney

APPROVED AS TO CONTENT

BY: \_\_\_\_\_  
Bonnie Greiner  
Parks & recreation Services Director

CONTRACTOR:

Date: \_\_\_\_\_

BY: \_\_\_\_\_

Date: \_\_\_\_\_

BY: \_\_\_\_\_